

**Minutes
Bar Harbor Planning Board
September 17, 2008
Council Chambers – Municipal Building
93 Cottage Street**

I. CALL TO ORDER — 6:00 p.m.

*Members present: Kay Stevens-Rosa, Chair; Kevin Cochary, Vice-Chair; Lynne Williams, Secretary; Dave Bowden
Also present: Anne Krieg, Planning Director; Kris Hultgren, Staff Planner; Lee Bragg, Town Attorney*

II. EXCUSED ABSENCES

There were no excused absences.

III. ADOPTION OF THE AGENDA

Mr. Bowden moved to adopt the agenda. Ms. Williams seconded and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

Mr. Cochary moved to approve the minutes from the August 20 meeting. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

V. REGULAR BUSINESS

A. Public Hearing – SD-07-06 – Owl’s Nest Subdivision

Project Location: Stony Brook Way, Bar Harbor Tax Map 208, Lot 96

Applicant: Owl’s Nest, LLC

Application: Proposes a 10 lot residential subdivision

Mr. Musson, representing the applicant, gave an update on the project. He noted unresolved issues like stormwater, the two egress standard and nitrate impacts.

Ms. Stevens-Rosa introduced Mr. Coffin from Ransom Environmental. Mr. Coffin reviewed his letter to the Planning Board responding to the nitrate report submitted by CES.

Mr. Cochary asked how nitrate loading from other lots would affect lot 8. Mr. Coffin responded by saying there is enough space along the flow path to dilute the nitrates before it reached the property boundary of lot 8.

Mr. Coffin recommended nitrate testing for these lots to monitor groundwater quality over time. He noted his experience in Harpswell with collecting data and analyzing nitrates and felt it was helpful to make future decisions regarding lot sizes and nitrate loading. Mr. Coffin also recommended the town have the authority to approve the pretreatment system for lot 8.

Mr. Cochary asked how the town would enforce a failing system and Mr. Bragg noted that a bond could be required to make sure an adequate system is used and repairs are made if it fails.

Mr. Gott, the applicant, agreed to install a pretreatment system on lot 8 before the lot is sold.

Mr. Bowden noted his discomfort with allowing government to oversee the monitoring of the private system because there is no system in place that has been used previously.

Ms. Krieg noted her concern with requiring data monitoring because it is unclear at this time what the town would do with the data.

Ms. Stevens-Rosa commented that the town should have a monitoring plan in place in different parts of town and have a plan to use the data.

Mr. Bowden commented that there's always a risk with water problems in subdivisions but the data could be helpful to make future decisions.

Ms. Williams noted that if something goes wrong with the lot it should be between private lot owners and not the town.

Mr. Cochary commented that he does not think one subdivision should be singled out for this type of data collection. He expressed discomfort with lot 8 and suggested its area be incorporated into other lots.

Mr. Musson noted that the groundwater standards are met and both CES and Ransom agree on the model showing that only lot 8 needs a pretreatment system.

Mr. Coffin noted the importance of making sure the pretreatment system for lot 8 is sound. Mr. Musson added that he feels it is the Code Enforcement Officer's job to review septic systems prior to issuing a permit.

Dana Reed, an abutter, noted that the applicant received a permit for 1000 cubic feet of fill but said the fill was not placed in the place where it was permitted. He asked the applicant to submit a revised hydrogeological report and topological survey taking into consideration the fill.

Mr. Ross, representing the applicant, suggested making the removal of the fill a condition of approval. Mr. Gott, the applicant, explained the situation with the fill. He said it is only being stored there temporarily.

Mr. Cochary moved to request an inspection of the site by the Code Enforcement Officer to make sure the activity is in keeping with what was permitted.

Ms. Williams reiterated that she does not want the town to stay involved with a subdivision once it is approved. Ms. Stevens-Rosa concurred.

Mr. Reed noted section 125 66 J 16 in the LUO and asked that the structures on lot 6 of the Pine Ridge subdivision be shown. He also asked for a larger scale map of the nitrate plumes.

The Board and applicant discussed stormwater and the differing interpretations of 125-67(L)(3) by CES and Oak Engineers.

The applicant agreed to work with Oak Engineers to try and resolve the issue.

The Board discussed the modification of standard submitted by the applicant regarding two street connections. The Board agreed to discuss the issue at the next meeting on October 1.

Mr. Cochary moved to continue the application to the October 1 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.

VI. OTHER BUSINESS

A. Ocean Properties Workshop

This agenda item was tabled until further notice.

B. Discuss possible future ordinance research on commercial water withdrawals

The Board discussed a commercial water ordinance. Ms. Williams explained why she requested the discussion. She inquired with the Board whether staff should research the issue. Mr. Bowden noted that he would feel more comfortable if the direction for a commercial water ordinance came from the Town Council.

The Board continued to discuss the issue and no action was taken.

C. Request for extension to submit Seabury Woods subdivision application

Mr. Ross, representing the applicant, explained that the request for the extension is due to ongoing negotiations Ms. Seabury to work out the details of upgrading the fire pond.

Mr. Cochary move to grant a filing extension. Ms. Williams seconded and the Board voted unanimously on the motion.

VII. PLANNING DIRECTOR'S REPORT

Anne updated the board on the presentation by Ocean Properties at the Design Review Board meeting on September 11.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. ADJOURNMENT – 8:25

Mr. Cochary moved to adjourn. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

Signed as approved:

Lynne Williams, Secretary
Planning Board, Town of Bar Harbor

Date